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January 6, 2021

Via ECF

Honorable Judge Gary R. Brown  
United States District Judge, EDNY  
100 Federal Plaza  
Central Islip, NY 11722

**Re: Summers, et al. v. Long Beach City School District, et al.**  
**2:17-cv-01495**

Dear Judge Brown:

This office represents the Plaintiffs in the above action. I am writing to update the Court on the status of the litigation. After attending mediation before Hon. Peter B. Skelos (Ret.), the parties agreed on a settlement in principle. However, during the course of the litigation Plaintiff D.B. turned 18. As D.B. is severely disabled and unable to care for herself, we have filed a Petition with the Nassau County Surrogate's Court for D.B.'s mother, Shirlyn Summers, to be appointed as her guardian, so Ms. Summers (who is also a Plaintiff in this action) can execute a settlement on D.B.'s behalf and care for her other needs. That petition (Index no. 2020-4424) is currently pending before the Surrogate's Court. The Surrogate's Court has informed us, however, that guardianship petitions are significantly backlogged due to COVID-19.

Once Ms. Summers is appointed as D.B.'s guardian we plan to make an application pursuant to Local Rule 83.2 for this Court's permission to settle the matter on D.B.'s behalf.

We will keep the Court updated on developments in the Surrogate's Court.

Respectfully submitted,



Andrew Costello

Cc: Opposing Counsel (Via ECF)